

REMARKS

Reexamination and reconsideration is respectfully requested in light of the foregoing proposed amendments to the claims and the following remarks.

Claims 1-8, 10, 11, 13, 15-19 and 22-27 are pending in this application. Claims 9, 12, 14, 20 and 21 were previously canceled. It is proposed to incorporate the limitation of claim 4 into independent claims 1, 7, 8, 10, 13, 22 and 25, and to cancel claim 4 without prejudice or disclaimer. No new matter would be added to the application by the proposed amendment. Support for the amendment can be found in original claim 4. Further, the amended claims would not require further search or consideration because the subject matter of claim 4 was subject to examination. It is also proposed to amend claim 24 in accordance with the suggestions of the Examiner to remove an objection to the claim. For the foregoing reasons, it is requested that the proposed amendment be entered.

Objection to Claim 24

Claim 24 was objected to because of grammatical/idiomatic errors. The Office Action suggested changes to the claim. The suggestions have been adopted and it is proposed to amend claim 24 as suggested in the final Office Action. Accordingly, it is requested that the proposed amendment to claim 24 be entered to overcome the objection.

Rejections Under 35 U.S.C. § 102 and 103

Claims 25-27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Feld et al. (U.S. Publication No. 2001/0026272 A1). In addition, claims 1-8, 10, 11, 13, 15-19 and 22-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Feld et al. (U.S. Publication No. 2001/0026272 A1) and Bornstein (U.S. Patent No. 6,244,388). It is proposed to amend

Application No.: 10/066,796

claims 1, 7, 8, 10, 13, 22 and 25 to include the limitation of claim 4. Contrary to the Examiner's position, this limitation is not disclosed or suggested by the teachings of Feld et al. and Bornstein, taken alone or in combination, as asserted in the final Office Action.

The limitation added is a dispose device for automatically selecting the article for comparison in accordance with a type and size of the commercial product selected by the user. In other words, the limitation requires that when the commercial product is selected, the system automatically selects an article for size comparison. For example, if the commercial product selected is a table, the system will automatically select a cup so that the user can see the approximate size relationship between the cup and the table selected. The Examiner relies only on the disclosure of Feld et al. for this feature (§§ 0056, 0061 and 0065-0067 of Feld et al.). Applicant respectfully traverses. Feld et al. does not disclose or suggest this claimed feature of the invention.

Feld et al. discloses a system wherein the user searches for wear articles (clothing). The user can search various vendors from a list provided on the system and select a product. In the present claimed invention, the user selects a product and the system automatically selects the comparison article image and displays it for comparison with the product image selected by the user. See § 0068 of the specification.

Feld et al. discloses "push services" which are not disclosed by Feld et al. as being an automatic selection of a comparison article for comparison of size to the selected product item. The "push services" includes data on buying habits of the user to select the product, not for comparison of size of another clothing article to the product selected. While the selection of the product using the Feld et al. system will display the product in three-dimensions, the size of the article selected is compared to a virtual model. There is no disclosure that the system automatically selects the model

Application No.: 10/066,796

for comparison. If the product or clothing selected in Feld et al. does not fit the model selected by the user, the user is “informed that the selected article will not fit the selected model and may be prompted to choose a different size ” (Feld et al., ¶ 0065). There is no teaching in Feld et al. that the system automatically selects the virtual model from a model bank based on the product selected (Feld et al., ¶¶ 0035 and 0036). In Applicant’s invention, the article for comparison is automatically selected to suit the product selected by the user. In Feld et al., the product is selected to suit a selected virtual model. There is no teaching in Feld et al. that the virtual model is automatically selected to suit the product selected.

For all of the foregoing reasons, it is requested that the proposed amendment be entered and the rejections under 35 U.S.C. § 102(e) and 103(a) of claims 1-8, 10, 11, 13, 15-19 and 22-27 be reconsidered and withdrawn.

Conclusion

Accordingly, favorable reconsideration of the claims is requested in light of the proposed amendments to the claims and the foregoing remarks. Allowance of the claims is courteously solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. § 1.17 and due in

Application No.: 10/066,796

connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Cameron Weiffenbach", with a long, sweeping horizontal line extending to the right.

Cameron K. Weiffenbach
Registration No. 44.488

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 CKW:jrj
Facsimile: 202.756.8087
Date: January 19, 2007

**Please recognize our Customer No. 20277
as our correspondence address.**